

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LEONARD FRED TILLMAN, }
v. Plaintiff, } Civil Action No. 08-104 Erie
PA DEPT. OF CORRECTIONS, et al., Defendants. }

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on April 17, 2008 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation [33], filed on February 20, 2009, recommends that Defendants Doctor Jordano, DDS and Dental Assistant Cindy be dismissed from this case due to the Plaintiff's failure to prosecute. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at the Allegheny County Jail in Pittsburgh, where he is incarcerated, and on the Defendants. No objections were filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 29th day of April, 2009;

IT IS HEREBY ORDERED that Defendants Doctor Jordano, DDS and Dental Assistant Cindy be, and hereby are, DISMISSED from this case due to the Plaintiff's failure to prosecute.

The Report and Recommendation of Chief Magistrate Judge Baxter [33], dated February 20, 2009, is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin
United States District Judge

cc: all parties of record
Chief U.S. Magistrate Judge Baxter